



POLICE DEPARTMENT

September 8, 2014

MEMORANDUM FOR: Police Commissioner

Re: Police Officer Christopher Stoll
Tax Registry No. 923219
33 Precinct
Disciplinary Case No. 2011-5632

The above-named member of the Department appeared before me on March 20, 2014, charged with the following:¹

1. Said Police Officer Christopher Stoll, while assigned to the 33rd Precinct, on or about and between February 20, 2010 and June 22, 2011, engaged in conduct prejudicial to the good order, efficiency and discipline of the Department, to wit said Police Officer on several occasions assisted and/or requested the assistance of other members of service to prevent the adjudication of summonses issued to various individuals.

P.G. 203-10, Page 1, Paragraph 5 PROHIBITED CONDUCT

2. Said Police Officer Christopher Stoll, while assigned to the 33rd Precinct, on or about April 22, 2010, having become aware of an allegation of corruption or serious misconduct involving a member of service, did fail and neglect to notify the Internal Affairs Bureau Command Center.

P.G. 207-21, Pages 1-2 ALLEGATIONS OF CORRUPTION AND OTHER
MISCONDUCT AGAINST MEMBERS OF THE
SERVICE

The Department was represented by Vivian Joo, Esq., Department Advocate's Office, and Respondent was represented by John Tynan, Esq.

¹ The mitigation record was held open until April 8, 2014.

Respondent, through his counsel, entered a plea of Guilty to the subject charges and testified in mitigation of the penalty. A stenographic transcript of the mitigation record has been prepared and is available for the Police Commissioner's review.

DECISION

Respondent, having pleaded Guilty, is found Guilty as charged.

SUMMARY OF EVIDENCE IN MITIGATION

Respondent, a 16-year member of the Department, is assigned to the 33 Precinct. He said he has been on sick leave only once, in February 2012, when he tore his quadriceps tendon and right knee while chasing a perpetrator. While on sick leave and the instant charges were pending, his commanding officer called him to offer the position of crime prevention officer. Initially, Respondent turned down the offer because he had made nearly 400 arrests and he "wanted to [continue] work[ing] the street" and "wanted to be out with the community continuing [his] assignment." He changed his mind and accepted the position after people advised him that it would be a good career opportunity.

Upon returning from sick leave, Respondent began his position as crime prevention officer. There he introduced several initiatives to the precinct. Those initiatives included (1) conducting security surveys at both homes and places of business, (2) Operation Identification, which involves people registering their personal electronic items to help retrieve them if they are stolen and (3) Taxi Robbery Identification Program, which involves taxi drivers registering their cars with the Department and allows officers to pull over the registered taxis to check driver safety. Respondent also

regularly gives anti-bullying presentations at schools and educates victims on the Victim Compensation Program. He described his position, "I'm only required to be in my office to enter all the work that I do; then when I'm done with that, I'm back out, I'm back out doing lectures, I'm doing surveys, I'm at crime scenes, I'm with the CO, I'm at meetings, I'm meeting with dignitaries, I'm in the hospital, I'm in the church, it's nonstop." Respondent loves being a police officer and loves helping people.

Respondent is, and has been for nine years, a delegate for the Patrolmen's Benevolent Association (PBA). Respondent admitted that on two occasions between February 20, 2010 and June 22, 2011, he helped a fellow officer with a summons. He explained that when he first joined the Department helping people with summonses was openly done at every level from the precinct janitor to the commanding officer. When asked at his official Department interview if there was a third instance of him helping quash a summons within the last 18 months, he answered that it was possible but he could not recall.

Since 2000, Respondent has received an overall rating of 4.5 or 5.0 on every annual performance evaluation.

On cross-examination, Respondent confirmed that it is common for delegates from different commands to speak to one another. On February 20, 2010 at the request of an unidentified member of the service, Respondent called delegate Police Officer Christopher Scott about quashing a summons that had been issued by a police officer in Scott's Bronx precinct. On April 22, 2010, delegate Police Officer Jaime Payan called Respondent about taking care of a summons that had been issued in the 33 Precinct by a Police Officer Restrepo. Although Respondent subsequently reached out to Restrepo

about quashing the summons in court, he did not know the outcome of the case.

Respondent did not notify the Department about his conversations with Payan. When asked in his official Department interview to estimate how many summonses he had taken care of in the last year and a half, Respondent stated, "Three."

On re-direct examination, Respondent emphasized that he did not recall a third instance of ticket fixing on his part.

PENALTY

In order to determine an appropriate penalty, Respondent's service record was examined. See *Matter of Pell v. Board of Education*, 34 NY 2d 222 (1974). Respondent was appointed to the Department on August 31, 1998. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

Respondent has pled guilty to engaging in conduct prejudicial to the good order, efficiency, and discipline of the Department by assisting and/or requesting the assistance of other members of service (MOS) to prevent the adjudication of summonses issued to various individuals on several occasions. Specifically, Respondent admitted that on February 20, 2010, he called delegate Scott at the request of an unidentified MOS and asked for his help in quashing a summons issued in Scott's precinct, and on April 22, 2010, upon receiving a request from another MOS, he attempted to prevent the processing and adjudication of a summons issued in the 33 Precinct.² Respondent also

² During his official Department interview, Respondent said that he fixed three summonses in the last year and one-half, but during his trial, he only admitted to helping prevent the adjudication of two summonses on two occasions and did not recall a third instance. For the purposes of establishing a penalty,

pled guilty to failing and neglecting to notify the Internal Affairs Bureau Command Center of the allegation of corruption or serious misconduct involving Payan on April 22, 2010 and thereafter.

The Department Advocate recommended that Respondent be suspended for five days and also that he forfeit 25 vacation days, for a total forfeiture of 30 days, and that he serve one year on dismissal probation. She explained that this is the established standard penalty that has been imposed by the Police Commissioner where a MOS has assisted or requested the assistance of another MOS to prevent the processing and adjudication of two or three summonses.

Respondent's attorney argued that the penalty to be imposed on Respondent should consist solely of the forfeiture of 20 vacation days without dismissal probation. Respondent's attorney argued that Respondent's case is very different from other similarly situated MOS for two reasons.

First, Respondent's case is distinguished from other cases because of Respondent's exemplary service to the Department. Respondent's counsel contended that Respondent has consistently rated in the top one percent of the Department, with evaluations no less than 4.5 out of 5.0 since 2001. While these charges were pending, Respondent's commanding officer offered him the position of crime prevention officer at the 33 Precinct, giving him "a tremendous amount of responsibility," interacting with many supervisors and members of the community. Respondent's attorney maintained that the Department was "thrilled to have him doing this job." As Respondent excelled in his position, he argued, the punishment of one-year dismissal probation was unwarranted.

Respondent's admissions that he helped prevent the adjudication of two summonses on two occasions are sufficient.

Second, Respondent's counsel argued that placing Respondent on dismissal probation would jeopardize his assignment as a crime prevention officer. If Respondent received probation he would be required to return to performing enforcement duties.

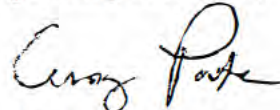
The Advocate recommended five suspension days, 25 vacation days and one-year dismissal probation, the standard penalty for fixing traffic tickets on more than one occasion. As the Advocate argued, this standard penalty has consistently been imposed regardless of the officer's employment record or performance. The Advocate also indicated that previously Respondents in specialized units have been penalized with the standard penalty, including a member assigned to the Police Commissioner's Initiative.

In a recent case, *Case No. 2011-5618* (Jan. 15, 2014), an eight-year police officer who had no prior formal disciplinary record admitted to fixing traffic tickets on two occasions for two individuals, the Police Commissioner imposed the established standard penalty. In *Case No. 2011-5642* (Feb. 18, 2014), an 18-year police officer with no prior formal disciplinary record was punished with the standard penalty for fixing and asking to have fixed multiple summonses on more than one date. In *Case No. 2012-6848* (March 26, 2014), a ten-year police officer with no prior formal disciplinary record was punished with the above standard penalty for requesting help from other MOS on two separate occasions in quashing summonses issued to two individuals. In *Case No. 2011-5714* (July 18, 2014), a nine-year police officer who had no prior formal disciplinary record was punished with the standard penalty for requesting the assistance of another officer to prevent the processing or adjudication of two summonses issued to two separate individuals.

Respondent has not presented sufficient justification here to warrant a departure from the established standard penalty. On at least two separate occasions, Respondent tried to quash summonses issued by MOS to various individuals. Furthermore, he failed to notify IAB when Payan called him on April 22, 2010, and asked for his help in quashing a summons.

Therefore, it is recommended that Respondent be DISMISSED from the New York City Police Department; however, this penalty of dismissal will be held in abeyance pursuant to Section 14-115(d) of the NYC Administrative Code for a period of one-year, during which time Respondent will remain on the force at the Police Commissioner's discretion and may be terminated at any time without a further hearing. It is further recommended that Respondent be suspended for five days and that he forfeit 25 vacation days for a total forfeiture of 30 days.

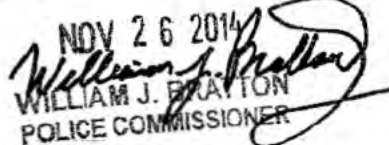
Respectfully submitted,



Amy J. Porter

Assistant Deputy Commissioner - Trials

APPROVED

NOV 26 2014

WILLIAM J. BRATTON
POLICE COMMISSIONER

POLICE DEPARTMENT
CITY OF NEW YORK

From: Assistant Deputy Commissioner Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
POLICE OFFICER CHRISTOPHER STOLL
TAX REGISTRY NO. 923219
DISCIPLINARY CASE NO. 2011-5632

Respondent received an overall rating of 4.5 "Extremely Competent/Highly Competent" on his last three annual performance evaluations. He has been awarded two medals for Excellent Police Duty and one for Meritorious Police Duty. [REDACTED]

[REDACTED]
[REDACTED] He has no prior formal disciplinary record.

For your consideration.



Amy J. Porter
Assistant Deputy Commissioner Trials